IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 6138 of 2006
Date of decision : 20.11.2006.

Balbir

.....Petitioner.

Versus

Nihala & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Ashok Khubbar,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The learned Courts below have rejected the application under Order 39 Rules 1 & 2 C.P.C. moved by the petitioner for restraining the Gram Panchayat from constructing a path by placing reliance on the judgment of this Court in ***Ranjit Singh & Anr. Versus Gram Panchayat, Bahadurpur 1991(1) PLJ 289*** to hold that no injunction can be granted restraining the Gram Panchayat from digging or constructing a drain on a Gair Mumkin Rasta of the village. The Court also took notice of the fact that larger interest of the public has to be taken note of and not of the individual. In the present case the petitioner has neither been found to be in possession nor owner thereof.

Accordingly there is no illegality or error in the impugned order which may call for interference by this court under Article 277 of the Constitution of India.

Dismissed.

20.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**